

Message Text

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64

ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 1592

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E.O. 11652: N/A

TAGS: UN, AORG

SUBJECT: COMMITTEE ON REVIEW OF ADMINISTRATIVE TRIBUNAL
JUDGMENTS

1. COMITE WILL MEET PM NOV 29 HEAR APPEAL OF JUDGMENT OF
TRIBUNAL DENYING CLAIM A.A. OSMAN (SAUDI ARABIAN NATIONAL)
AGAINST UN FOR PENSION RIGHTS.

2. OSMAN CLAIMS ALTHOUGH HIRED AS "ASSOCIATE PARTICIPANT"
HE SHOULD HAVE BEEN TREATED AS IF HE HAD BEEN HIRED UNDER
NEW RULES WHICH CAME INTO EFFECT SHORTLY BEFORE HIS
TERMINATION. HE ALSO CLAIMS ALTHOUGH HE WAS HIRED FOR A
PERIOD OF LESS THAN FIVE YEARS THE UN KNEW OR SHOULD HAVE
KNOWN THE PROJECT ON WHICH HE WAS WORKING COULD LAST MORE
THAN FIVE YEARS.

3. ADMINISTRATIVE TRIBUNAL'S READING OF 1967 PENSION
RULES TO EXCLUDE OSMAN ARE REASONABLE AND PROPER SINCE THE
RULES EXPRESSLY EXCLUDE PERSONS WITHIN THE "ASSOCIATE
PARTICIPANT" CATEGORY. TRIBUNAL'S FINDING THAT OSMAN
FAILED ESTABLISH AGREEMENT BETWEEN UN AND RECIPIENT
COUNTRY TO EXTEND CONTRACT BEYOND FIVE YEARS IS LESS
UNASSAILABLE BUT TRIBUNAL'S DECISION WAS LEGITIMATE
EXERCISE ITS DISCRETION AND JUDGMENT AS TO STATE OF UN'S
UNDERSTANDING AT TIME IN QUESTION.

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4. SEE NO BASIS OSMAN'S CONTENTION ADMINISTRATIVE TRIBUNAL

WAS IN ERROR WITHIN TERMS ARTICLE II, PARA 1
OF ITS STATUTE AND PLAN OPPOSE OSMAN'S REQUEST ICJ BE
ASKED REVIEW JUDGMENT. TRIBUNAL DID NOT SO ERR AND THE
QUESTION NOT ONE OF SUCH SCOPE AS TO BENEFIT FROM ICJ
REVIEW.
BENNETT

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Message Attributes

Automatic Decaptioning: X
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Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
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Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1973/newtext/t1973114/aaaaacme.tel
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Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 2
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Previous Classification: LIMITED OFFICIAL USE
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Review Authority: garlanwa
Review Comment: n/a
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30 JUN 2005

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